

UNITED STATES DISTRICT COURT
for the
Southern District of Alabama

United States of America
v.

KENNETH COLE

Date of Original Judgment: 05/05/2009
Date of Previous Amended Judgment: _____
(Use Date of Last Amended Judgment if Any)

)
)
) Case No: 07-00241-003

) USM No: 49083-003

) Pro Se

) _____
Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(Complete Parts I and II of Page 2 when motion is granted)

ADDITIONAL COMMENTS

The defendant is not eligible for a reduction in sentence because after recalculating the multiple substances involved under the revised guidelines, the total marijuana equivalency is 4,523.51 kilograms of marijuana, which yields a base offense level of 34. As a result, the defendant's base offense level remains unchanged from the base offense level originally calculated.

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 12/22/2011

/s/ Callie V. S. Granade

Judge's signature

Effective Date: _____
(if different from order date)

United States District Judge

Printed name and title